

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
H0005124

In Re Application Of: Gary Eisenhower

APR 25 2005

Application No.

10/652,324

Filing Date

08/29/2003

Examiner

Kyung S. Lee

Customer No.

TBD

Group Art Unit

2832

Confirmation No.

TBD

Title: Toggle Switch Apparatus

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**37 CFR 1.97(b)**

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☒ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
H0005124

In Re Application: Gary Eisenhower

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/652,324	08/29/2003	Kyung S. Lee	TBD	2832	TBD

Title: Toggle Switch Apparatus

## Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## Certificate of Transmission by Facsimile\*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. \_\_\_\_\_)

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

## Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_

4/21/2005

(Date)

Signature of Person Mailing Correspondence

Kermit Lopez

Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

Signature

Dated: April 21, 2005

CC:

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

Docket No.  
**H0005124**

In Re Application Of: **Gary Eisenhower**

Application No.

**10/652,321**

Filing Date

**8/29/2003**

Examiner

**Kyung S. Lee**

Customer No.

Group Art Unit

**2832**

Confirmation No.

Invention: **TOGGLE SWITCH APPARATUS**

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

  
Signature

Dated: **April 21, 2005**

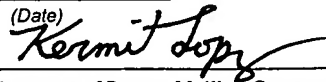
**Kermit Lopez**  
Registration No. 41,953  
**ORTIZ & LOPEZ, PLLC**  
P.O. Box 4484  
Albuquerque, NM 87196-4484

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**4/21/2005**

(Date)

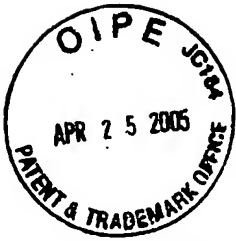


Signature of Person Mailing Correspondence

**Kermit Lopez**

Typed or Printed Name of Person Mailing Correspondence

CC:



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 21, 2005

<b>Applicant:</b>	Gary Eisenhower	<b>Group:</b>	2832
<b>Serial No.:</b>	10/652,324	<b>Examiner:</b>	Kyung S. Lee
<b>Filed:</b>	08/29/03	<b>Atty Docket No.:</b>	H0005124
<b>For:</b>	TOGGLE SWITCH APPARATUS		

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following sections are being submitted for this Supplemental Information Disclosure Statement:

1. Preliminary Statements.

Applicant(s) submits herewith additional patents, publications or other information as the result of an International Search Report, that they believe may be material to the patentability of the claims under consideration in this application and in respect of which there may be a duty to disclose under 37 C.F.R. § 1.56.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made (37 CFR § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56 (37 C.F.R. § 1.97(h)), or that no other material information exists.

The filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that the references are prior art within the meaning of 35 U.S.C. §§ 102 or 103. Further, any explanation, if provided, is not to be construed as a representation that the references have been thoroughly reviewed. In particular, no representation as to the relevance of any portion of any reference is intended.

The filing of this Supplemental Information Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

2. Form PTO-1449, List of Prior Art Cited by Applicant, citing 2 U.S. patent and 0 foreign patents and/or patent publications.

3. Attached to this Supplemental Information Disclosure Statement is a copy of the International Search Report in the corresponding International Application, along with the cited references, for consideration by the U.S. Patent and Trademark Office. Copies of the references listed in the

International Search Report that have not been provided are believed to define the general state of the art and are not considered to be of particular relevance.

4. These references are in addition to those listed in an previously Supplemental Information Disclosure Statement and Form PTO 1449 that may have been filed with the U.S.P.T.O. with respect to the above-referenced patent application.

5. Statement in accordance with 37 C.F.R. § 1.97(e):

☒ (1) Each item of information contained in the Supplemental Information Disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Supplemental Information Disclosure statement; or

☐ (2) No item of information contained in the Supplemental Information Disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the Supplemental Information Disclosure statement after making reasonable inquiry, no item of information contained in the Supplemental Information Disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Supplemental Information Disclosure statement.

6. The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor(s) and the information in the attorney's file.

7. The Office is authorized to charge Applicant's Deposit Account 01-1125 for any fee that may be due under 37 C.F.R. § 1.17(p) for consideration of this IDS and for any other fee that may be due.

Telephone: 505.314-1312  
Facsimile: 505.314-1307

ORTIZ & LOPEZ, PLLC  
Patent Attorneys  
P.O. Box 4484  
Albuquerque, NM 87196-4484

By: 

Kermit Lopez  
Reg. No. 41,953  
Attorney for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231:

☒ 37 CFR 1.8(a)(1)(A)  
With the United States Postal Service  
with sufficient postage as first class  
mail in an envelope.

☐ 37 CFR 1.8(a)(1)(B)  
by facsimile transmission to facsimile  
number

☐ 37 CFR 1.10  
with the United States Postal Service  
"Express Mail Post Office to Addressee"  
service,  
Mailing Label No.

Dated: April 21, 2005

  
Kermit Lopez, Reg. No. 41,953

FORM PTO-1449  
(REV. 7.80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.:  
H0005124

SERIAL NO.: 10/652,324

LIST OF PRIOR ART CITED BY APPLICANT  
(Use several sheets if necessary)

APPLICANTS: Gary Eisenhower

FILING DATE: 8/29/03

GROUP ART UNIT: 2832

## U. S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	US 3,008,024	11/07/1961	Roeser			01/12/1959
	US 4,215,257	07/29/1980	Repplinger	H01H	23/30	11/20/1978

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

PCT-Notification of Transmittal of the International Search Report and the Written Opinion of the International Searching Authority, or the Declaration, Mailed 22/03/05

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.